

REMARKS

Claims 1-18 are now pending in this application. Claims 1, 4, 12 and 15 are the independent claims.

Claims 1-9 have been amended. No claims have been canceled, and claims 10-18 have been added.

I. Claim Rejections - 35 U.S.C. § 101

Claims 7-9 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As suggested by Examiner, claims 7-9 have been amended to better demonstrate the functional interrelationship between the inventions of claims 7-9 and a computer-readable medium. Accordingly, Applicant submits that the § 101 rejections should be withdrawn.

II. Claim Rejections - 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0208546 to DeSalvo et al. (hereinafter "DeSalvo").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant submits that DeSalvo does not teach "each and every element" of claims 1 and 4 of the present application.

In particular, claim 1, as amended, recites in part, "a type discriminating unit that discriminates, based on a header of the E-mail, the type of the transmitting terminal" (emphasis added).

In contrast, DeSalvo discloses in paragraph 0019 merely that "one embodiment of the service 100 maintains an intimate knowledge of the capabilities/configuration of each data processing device 110." DeSalvo does not disclose if, much less on what basis, the service 100 discriminates the type of the transmitting terminal for any given data exchange. More particularly, DeSalvo does not disclose discriminating the type of the transmitting terminal based on a header of the E-mail. Applicant thus respectfully submits that DeSalvo does not disclose each and every limitation of claim 1.

Similarly, claim 4, as amended, recites in part, "a first type discriminating step of discriminating, based on a header of the E-mail, the type of the transmitting terminal, which transmits the E-mail." For the reasons discussed above for claim 1, applicants submit that DeSalvo does not teach or suggest the above-noted features of claim 4.

Claims 2-3 are dependent upon claim 1 and are therefore believed to be allowable for at least the reasons discussed above for claim 1. Similarly, claims 5-9 depend either directly or indirectly from claim 4 and are believed to be allowable for at least the reasons discussed above for claim 4. In view of the foregoing, applicants respectfully request reconsideration of claims 1-9.

III. New Claims

Claims 10-18 are added through this Reply. New independent claim 12 recites, in part "a type discriminating unit that discriminates, based on a header of the first E-mail, the type of the transmitting terminal". Similarly, independent claim 15 recites, in part "discriminating, based on a header of the E-mail, the type of the transmitting terminal which transmits the E-mail". DeSalvo does not teach or suggest at least the above identified features. Therefore, independent claims 12 and 15 are distinguishable over DeSalvo.

Claims 10-11, 13-14, and 16-18 depend directly or indirectly from independent claims 1 and 4, and are therefore believed to be allowable for at least the reasons discussed for claims 1 and 4.

CONCLUSION

In view of the above remarks, it is believed that claims 1-18 are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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